

ORDINANCE NO. 2005 - 013

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT SCA 2004-00044 (LAWRENCE/GATEWAY COMMERCIAL); MODIFYING PAGE 87 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 0.47 ACRE GENERALLY LOCATED NORTH OF TUCKS ROAD, APPROXIMATELY 105 FEET EAST OF LAWRENCE ROAD FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO COMMERCIAL LOW, WITH AN UNDERLYING 5 UNITS PER ACRE (CL/5) WITH A CONDITION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on November 19, 2004, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on May 26, 2005, to review the recommendations of the Local Planning Agency and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment complies with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use  
Element of the 1989 Comprehensive Plan

The following amendment to the Future Land Use Element's Future Land Use Atlas is hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 87 is amended as follows:

Application No.:       Lawrence/Gateway Commercial (SCA 2004-  
                            00044)

**Amendment:** From Medium Residential, 5 units per acre (MR-5) to Commercial Low, with an underlying 5 units per acre (CL/5), with a condition;

**General Location:** North of Tucks Road, approximately 105 feet  
east of Lawrence Road;

**Size:** Approximately 2.01 acres;

B. Condition: The easternmost 50 feet of the site shall be cross-hatched.

## Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

### Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

1                    Part IV. Inclusion in the 1989 Comprehensive Plan

2                    The provisions of this Ordinance shall become and be made a part  
3 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
4 Ordinance may be renumbered or relettered to accomplish such, and the  
5 word "ordinance" may be changed to "section," "article," or any other  
6 appropriate word.

7                    Part V. Effective Date

8                    This amendment shall not become effective until 31 days after  
9 adoption. If challenged within 30 days after adoption, this amendment  
10 shall not become effective until the state land planning agency or the  
11 Administration Commission, respectively, issues a final order  
12 determining the amendment is in compliance.

13                    **APPROVED AND ADOPTED** by the Board of County Commissioners of  
14 Palm Beach County, on the 26th day of MAY, 2005.

15  
16 ATTEST:

17 SHARON R. BOCK, CLERK  
18 AND COMPTROLLER

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

19  
20 By: Judith Crocker

21 Deputy Clerk

Tony Masiotti  
22 Tony Masiotti, Chairman

23 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

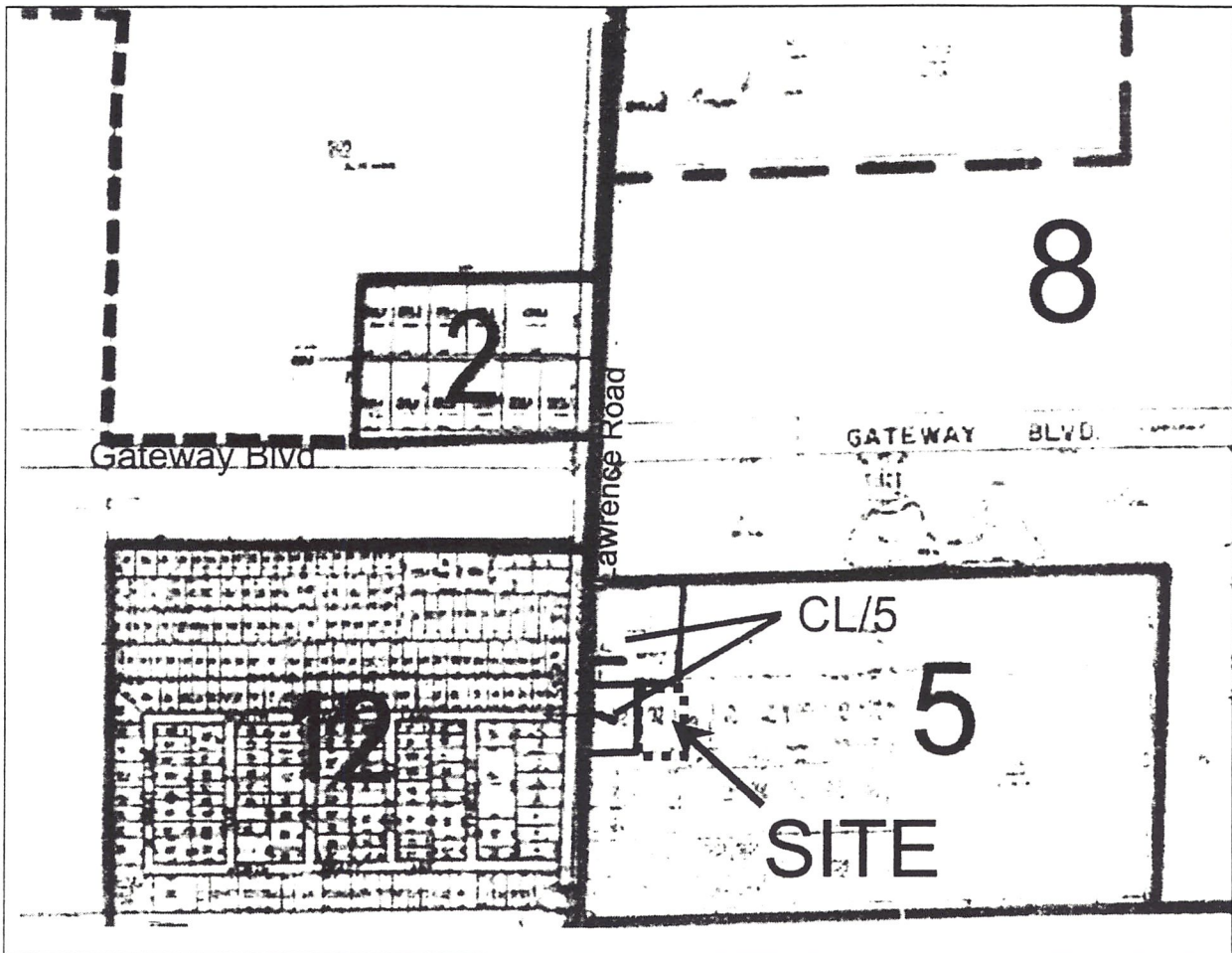
24  
25 [Signature]  
26 COUNTY ATTORNEY

27  
28 Filed with the Department of State on the 1st day  
29 of June, 2005.  
30



## EXHIBIT 1

**Amendment No.:** Lawrence/Gateway Commercial (SCA 2004-00044)  
**FLUA Page No.:** 87  
**Amendment:** From Medium Residential, 5 units per acre (MR-5) to Commercial Low, with an underlying 5 units per acre (CL/5).  
**Location:** North of Tucks Road, approximately 105 feet east of Lawrence Road.  
**Size:** Approximately 0.47 acres  
**Property No.:** 00-43-45-18-00-000-7230  
**Legal Description:** See attached  
**Condition:** The easternmost 50 feet of the site shall be cross-hatched.



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**Legal Description:**

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Starting at the southwest corner of Section 18, Township 45 South, Range 43 East, Palm Beach County, Florida; thence running northerly along the westline of said Section 18 for a distance of 468.38 feet to a point; thence turning an angle of 94°16'30" measured from the south th east and running a distance of 138.15 feet to the point of beginning of the following described parcel; thence continuing along the same line for a distance of 105.00 feet to a point; thence turning an angle of 94°21'00" measured from west to north and running a distance of 194.75 feet to a point in the north line of the south half of the southwest quarter of the southwest quarter of Section 18 aforesaid; thence turning an angle of 85°42'16" measured from south to west and running a distance of 105.00 feet to a point; thence turn an angle of 94°17'44" from east to south and run a distance of 194.85 feet to the point of beginning.

Containing 20,470 square feet, 0.47 acres more or less.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk & Comptroller certify  
this to be a true and correct copy of the original  
filed in my office on MAY 26 2005

dated at West Palm Beach, Fla on 6-10-2005

By: Judith Croshier  
Deputy Clerk

